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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/618,850

07/15/2003

Yukio Tanaka

0756-7177

4342

31780

7590

06/23/2006

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EXAMINER

NHU, DAVID

ART UNIT

PAPER NUMBER

2818

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,850

Applicant(s)

TANAKA ET AL.

Examiner

David Nhu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received. 09/438,432
2. ☒ Certified copies of the priority documents have been received in Application No. 10/295,886.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTIONS

Double Patenting

1. **Claims 14-19, 26-31** of the application No. 10/618, 850 is rejected under the judicially created doctrine of obviousness-type double patenting over **claims 1-28 of U. S. Patent No. 6,635,505 B2** since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application and similar language recited in the patent claims obviously depict a similar method having either same steps and/or same materials, and such is also disclosed in both the patent and the instant application.

Specifications

2. *There is no description of layer 1755 in figure 18A.*

There is no description of layers 4204, 4025, 4027 in figure 25 B.

Drawings

3. *There is no a gate insulating 1118, and a second impurity 114 in figure 12 A. Also there is no wiring 1107 in figure 12 B.*

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 8-37 are rejected under 35 U.S.C. 102(e) as being anticipated Takemura et al

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(5,719,065).

Regarding claims 8, 14, 20, 26, 32, Takemura, (see figures 3F, 3H, 4B, 4C, 5A, 6A, 6C, 6F, 7A, 7C, 7F, col.7, lines 3-36, col. 8, lines 36-67, col. 9, lines 1-16, col. 9, lines 64-67, col. 10, lines 1-57), teaches a method of manufacturing a circuit comprising: forming first and second semiconductor layers 102, 103 over a substrate 101; forming a gate insulating film 104 over the first and second semiconductor layers; forming gate electrodes 105 over the first and second semiconductor layers with the gate insulating film interposed (see figure 6A); introducing a first impurity element 110 into portions of the first and second semiconductor layers so as to form first impurity regions; introducing a second impurity element 111 into portions of the first and second semiconductor layers so as to form second impurity regions in contact with the first impurity regions; introducing a third impurity element 112 into portions of the first semiconductor layer so as to form third impurity regions in contact with the second impurity regions (see figures 3F, 6C, 7C) ; forming wirings 116, 117, 503 so as to be in contact with the third impurity regions (see figures 3H, 4C, 5A, 6F, 7F); wherein an edge of the gate insulating 104' is aligned with a boundary between the second impurity regions 111 and the third impurity regions 112 (see figures 3F, 6C, 7C).

Regarding claims 9, 15, 21, 27, 33, Takemura (see figures 3F, 6c, 7c), also teaches the third impurity regions is higher than the second impurity regions, and a concentration of the second impurity regions is higher than the first impurity regions (see col. 7, lines 3-36).

Regarding claims 10, 22, 28, 34, Takemura, (see figures 3f, 6C, 7C), teaches the first, second, third impurity elements comprise phosphorus.

Regarding claims 11-13, 17-19, 23-25, 29-31, 35-37, (see figure 10), teaches a logic circuit; a display device (LCD); a computer...

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Takemura'477, Yamaguchi'414, Ha'234, Yamazaki'735, Zhang'944, are cited as of interest.

6. A shortened statutory period for response to this action is set to expired 3 (three) months from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see 710.02 (b)).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Nhu, (571)272-1792. The examiner can normally be reached on Monday-Friday from 7:30 AM to 5:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the patent application information retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Nhu



June 12, 2006